



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2017

CORAM:

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THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.[MD].No.17665 of 2017
and
W.M.P(MD).No.14219 of 2017

Karuppiyah : Petitioner
Vs.

- 1.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Lathams Bangalow Road,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Taluk Office,
Thiruvadanai Taluk,,
Ramanathapuram District.
- 4.The Assistant Commissioner,
Land Reforms,
Urban Land Ceiling and Urban Land Tax,
Madurai,
Madurai District.
- 5.The Special Inspector,
Land Reforms/Urban Land Ceiling,
Ramanathapuram.
- 6.Kasi
- 7.Rackammal : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to take action against sixth and seventh respondent i.e., the illegal Patta holder and remove the encroachment made in Survey No.406 at Kavanoor Village, Thiruvadanai Taluk, Ramanathapuram District and to cancel the patta issued by fourth respondent in water catchment area in bearing Survey No.406.



For Petitioner : Mr.J.M.Hassanul Bazari
For Respondents 1 to 5 : Mr.S.Kumar
Additional Government Pleader
For Respondents 6 & 7 : Mr.VK.Saravanan

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O R D E R

[Order of the Court was made by The Hon'ble Chief Justice]

In this Writ Petition filed by way of Public Interest Litigation, the petitioner has sought orders restraining the respondent Nos.2 and 3 from issuing patta in Survey No.406 in Kavanoor Village, R.S.Mangalam Taluk via, Thiruvadanai Taluk, Ramanathapuram District to third parties.

2. The aforesaid order has been sought on the allegation that there is a tank, known as "Kavanoor Tank" in Survey No.406, which measures 120 acres. It is further alleged that the land in question is classified as Government Poramboke in the Revenue Register. According to the petitioner, Kavanoor tank provides water for irrigation to 300 acres of agricultural land. During the rainy season, the rain water is stored in the tank. The tank, according to the petitioner, is the only source of irrigation for the village.

3. According to the petitioner, 38 acres of poramboke land, which is part of a water body has been encroached. According to the petitioner, the petitioner has made representations objecting to such encroachments, but no steps have been taken. Nothing has been done. Pattas wrongfully granted have not been cancelled.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 5 submits that an enquiry is going on. The enquiry has revealed that the land in question is a water body.

5. The learned counsel appearing on behalf of the respondents 6 and 7 submits that a portion of the land held by them under patta is not a water body, but is dry land.

6. It is not for the Writ Court exercising its extra-ordinary jurisdiction under Article 226 of the Constitution of India to decide which part of the land in survey number in question is dry land and which part is water body. It is for the respondent authorities to undertake the exercise and that exercise has already been undertaken. It has been found that the land in question is part of tank and it is submitted that necessary steps shall be taken for cancellation of pattas on water bodies. Whether the land held by the private respondents constitutes part of a water body or not has to be decided by the respondents upon reference to Revenue Records and other available materials, including physical survey. Needless to mention that as and when



steps for removal of encroachments are taken, all persons likely to be affected, including the respondents 6 and 7 herein shall be given opportunity of representation/hearing. Steps to remove the encroachments in water bodies shall be taken expeditiously, preferably, within three months from the date of communication of this order.

7. The Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The Revenue Divisional Officer,
Lathams Bangalow Road,
Ramanathapuram,
Ramanathapuram District.

3. The Thasildar,
Taluk Office, Thiruvadanai Taluk,,
Ramanathapuram District.

4. The Assistant Commissioner,
Land Reforms, Urban Land Ceiling and Urban Land Tax,
Madurai, Madurai District.

5. The Special Inspector,
Land Reforms/Urban Land Ceiling, Ramanathapuram.

+1cc to M/S.J.M.Hassanul Bazari, Advocate SR.No. 89842

+1cc to Special Government Pleader, SR.No. 90070

ORDER MADE IN
W.P. [MD].No.17665 of 2017
28.11.2017

RSB/NB

JM/SKN RSK/SAR 3/12.12.2017/3P/8C